

**STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC HEALTH**

IN RE: **PLAINVIEW MWC – CENTRAL WATER COMPANY**  
Water System No. 5400682

TO: Raymond Velasquez, Board President  
Plainview MWC – Central Water Company  
P.O. Box 942  
Strathmore, CA 93267

CC: Tom Day, Contract Operator (P.O. Box 10642 Terra Bella, CA 93270)

**COMPLIANCE ORDER  
FOR NONCOMPLIANCE WITH THE  
NITRATE MAXIMUM CONTAMINANT LEVEL**

**Issued on March 21, 2014**

Section 116655, Chapter 4 of the California Health and Safety Code authorizes the issuance of an Order for failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued thereunder.

**FINDINGS**

The Plainview Mutual Water Company (MWC) – Central Water Company water system is classified as a community water system serving a population of approximately 170 persons through 42 service connections. Plainview MWC – Central Water Company (hereinafter



1 “Company”) operates under a domestic water supply permit issued by the State of  
2 California, Department of Public Health (hereinafter “Department”) on June 25, 2012.  
3

4  
5 The source of supply for the Company is groundwater obtained from one active well (Well  
6 01). The Company was issued a Compliance Order (No. 2011-10, issued May 24, 2011)  
7 for violation of the nitrate maximum contaminant level (MCL) by Tulare County  
8 Environmental Health Department which has a Local Primacy Agency (LPA) Program in  
9 Tulare County. The Company was regulated by Tulare County LPA until the water system  
10 was sold to Plainview MWC in 2012. Plainview MWC is a community water system  
11 located across the street and due to its size is regulated by CDPH – Visalia District. For  
12 consistency, regulatory jurisdiction for Central Water Company was transferred to CDPH  
13 also.  
14

15  
16 Well 01 was drilled in 1984 to a depth of 326 feet with perforations extending up to 220  
17 feet. The well has a 52-foot annular seal. The well is equipped with a 20-hp submersible  
18 pump which produces about 135 gallons per minute (gpm). The well is located more than  
19 100 feet away from the nearest septic tank.  
20

21  
22 Well 01 first began to exceed the nitrate maximum contaminant level (MCL) on May 27,  
23 2008, with a sample result of 46 mg/L. Historical data shows that the well has continued to  
24 produce nitrate levels ranging from approximately half the MCL to over the MCL of 45  
25 mg/L.  
26  
27



**Table 1: Well 01 Nitrate Results**

<i>Date</i>	<i>Nitrate (mg/L)</i>
2/10/03	25
8/6/07	22
5/27/08	46*
6/11/10	52*
5/2/11	68.6*
5/31/11	60*
11/1/11	46*
8/17/12	47*
11/30/12	50*
12/14/12	32
1/18/13	54*
4/12/13	49*
7/12/13	29
10/4/13	29
1/3/14	62*

\*Exceeds the nitrate MCL of 45 mg/L

Specifically, the Company exceeded the nitrate MCL (45 mg/L) by delivering water to the distribution system that was over the nitrate MCL. The last sample result taken on January 3, 2014 was 62 mg/L. Table 1 displays the nitrate sample results of Well No. 6 from 2008 to present.

By regulation, public notification is required on a quarterly basis as long as the well is being used. The Company must also provide the Department proof of public notification. The Company currently provides monthly production records to the Department to document the water production of Well 01.

Plainview MWC – Central Water Company has submitted a Drinking Water State Revolving Fund (DWSRF) planning application in September 2013 to the



1 Department for the drilling of a test well and a consolidation project with Plainview  
2 Mutual Water Company.  
3  
4

5 **CONCLUSIONS OF LAW**

6 Based on the above Findings, the Department has determined that Plainview MWC –  
7 Central Water Company water system has violated provisions contained in the California  
8 Health and Safety Code and Title 22, California Code of Regulations (CCR). These  
9 violations include, but are not limited to the following:  
10  
11

- 12 1. Health and Safety (H&S) Code Section 116555(a)(1) specifically, Plainview MWC  
13 – Central Water Company water system used a well that produces water that does  
14 not comply with a primary drinking water standard.  
15
- 16 2. H&S Code Section 116555(a)(3) Specifically, the Plainview MWC – Central Water  
17 Company water system failed to ensure that a reliable and adequate supply of pure,  
18 wholesome, healthful, and potable water is provided to all of its consumers.  
19
- 20 3. CCR Section 64431(a) Specifically, the water produced by Plainview MWC –  
21 Central Water Company's Well 01 has exceeded the maximum contaminant level  
22 of 45 mg/L (as NO<sub>3</sub>) for nitrate, and therefore, does not comply with a primary  
23 drinking water standard.  
24  
25  
26  
27



**ORDER**

In order to ensure that the water supplied by the Plainview MWC – Central Water Company water system is at all times safe, wholesome, healthful, and potable, and pursuant to Section 116655 of the H&S Code, the Company is ordered to take the following actions:

1. Cease and Desist from failing to comply with H&S Code Section 116555(a)(1) and (3) by ensuring that the system is provided with a reliable and adequate source of pure, wholesome, healthful, and potable water that is in compliance with all primary drinking water standards.
2. The Plainview MWC – Central Water Company shall prepare a Corrective Action Plan for improvements to the water system to correct the water quality problem (violation of the nitrate MCL) and eliminate the need to deliver water to consumers that does not meet primary drinking water standards. The plan shall include a time schedule for completion of various phases of the project such as evaluation of alternatives, design, construction, and startup. The Corrective Action Plan must be submitted by May 31, 2014.
3. The Plainview MWC – Central Water Company shall submit quarterly progress reports to the Department beginning in the second quarter (deadline of June 30, 2014). The quarterly reports shall discuss the progress the Company has made to comply with the nitrate MCL, as detailed in the plan to be submitted pursuant to Order No. 2.
4. The Plainview MWC – Central Water Company shall provide the following:



- 1 a) Tier 1 public notification in English and in Spanish, in accordance with CCR  
2 Section 64463.1, of its inability to meet the nitrate MCL. Attachment A is a  
3 Department-approved notice to be provided to all consumers. An electronic  
4 copy of this attachment is available on request. The notification shall be  
5 provided to consumers by posting the notice at prominent locations, and  
6 specifically at locations where consumption of the water may occur, and by mail  
7 or direct delivery to each customer.  
8  
9 b) Public notification to all water users on a quarterly basis until a project is  
10 completed to correct the problem. The first notice shall be delivered and posted  
11 by March 31, 2014.  
12  
13 c) Proof of public notification to the Department by the 10<sup>th</sup> day of the month  
14 following the issuance of the initial notification and each subsequent quarterly  
15 notification. Attachment B shall be used to satisfy this requirement. The first  
16 proof of public notification shall be submitted by April 10, 2014.  
17  
18  
19 5. Quarterly monitoring of the well for nitrate shall be conducted, preferable before  
20 each quarterly notice is released, so the notice can reflect the most recent sample  
21 results. The nitrate results must be submitted to the Department via electronic data  
22 transfer (EDT) using the following primary station code (PS-Code): 5400682-001.  
23  
24  
25 6. The Plainview MWC – Central Water Company shall submit a written response by  
26 April 10, 2014, indicating its willingness to comply with the directives of this  
27 Compliance Order.



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2  
3 7. The Plainview MWC – Central Water Company shall complete a project to resolve  
4 the nitrate MCL violation no later than April 1, 2017.

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6 8. The Department reserves the right to make modifications to this Order as it may  
7 deem necessary to protect public health and safety. Such modifications may be  
8 issued as amendments to this Order and shall be effective upon issuance. All  
9 submittals by this Order shall be addressed to:

10  
11 Tricia A. Wathen, P.E.  
12 Visalia District Engineer  
13 Department of Public Health  
14 Southern California Branch  
15 Drinking Water Field Operations  
16 265 W. Bullard Avenue, Suite 101  
17 Fresno, CA 93704

18  
19 9. If the Plainview MWC – Central Water Company is unable to perform the tasks  
20 specified in this Order for any reason, whether within or beyond its control, and if  
21 the Plainview MWC – Central Water Company notifies the Department in writing  
22 no less than five days in advance of the due date, the Department may extend the  
23 time for performance if the Plainview MWC – Central Water Company  
24 demonstrates that it has used its best efforts to comply with the schedule and other  
25 requirements of this Order.

26  
27 10. If the Plainview MWC – Central Water Company fails to perform any of the tasks  
specified in this Order by the time described herein or by the time subsequently  
extended pursuant to Item 9 above, the Plainview MWC – Central Water Company



1 shall be deemed to have not complied with the obligations of this Order and may be  
2 subject to additional action, including civil penalties specified in H&S Code,  
3 Section 116725 and 116730.  
4

5  
6 11. The State of California shall not be liable for any injuries or damages to persons or  
7 property resulting from acts of omissions by the Plainview MWC – Central Water  
8 Company its employees, agents, or contractors in carrying out activities pursuant to  
9 this Order, nor shall the State of California be held as a party to any contract  
10 entered into by the Plainview MWC- Central Water Company or its agents in  
11 carrying out activities pursuant to this Order.  
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13  
14 **PARTIES BOUND**  
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16 This Order shall apply to and be binding upon Plainview MWC – Central Water Company,  
17 its officers, directors, agents, employees, contractors, successors, and assignees.  
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**SEVERABILITY**

The requirements of this Order are severable, and Plainview MWC – Central Water Company shall comply with each and every provision thereof notwithstanding the effectiveness of any provisions.

3-21-2014  
Date

  
Carl L. Carlucci, P.E., Chief  
Central California Section  
SOUTHERN CALIFORNIA BRANCH  
DRINKING WATER FIELD OPERATIONS

CLC/TAW/mrw

Attachments:

Attachment A: Copy of Public Notice  
Attachment B: Proof of Notification

5400682/Enforcements and Compliance/2014 NO3 Compliance Order/03-12-14R-001-5400682-01.doc



## Instructions for Tier 1 Nitrate Notice Template

### Template Attached

Since exceeding the nitrate maximum contaminant level is a Tier 1 violation, you must provide public notice to persons served as soon as practical but within 24 hours after you learn of the violation [California Code of Regulations, Title 22, Chapter 15, Section 64463.1(b)]. **During this time period, you must also contact the Department. Each water system required to give public notice must submit the notice to the Department for approval prior to distribution or posting, unless otherwise directed by the Department [64463(b)].** You should also coordinate with your local health department.

### Notification Methods

You must use one or more of the following methods to deliver the notice to consumers [64463.1(c)]:

- Radio or television
- Posting in conspicuous locations throughout the area served by the water system
- Hand delivery to persons served by the water system

You may need to use additional methods (e.g., newspaper, delivery of multiple copies to hospitals, clinics, or apartment buildings), since notice must be provided in a manner reasonably calculated to reach all persons served. If you post or hand-deliver, print your notice on letterhead, if available.

The notice attached is appropriate for hand delivery or a newspaper notice. However, you may wish to modify it before using it for radio, TV, or posting. If you do, you must still include all required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

### Multilingual Requirement

Spanish. Each public notice must contain information in Spanish regarding (1) the importance of the notice or (2) contain a telephone number or address where Spanish-speaking residents may contact the water system to obtain a translated copy of the public notice or assistance in Spanish.

Non-English Speaking Groups Other than Spanish-Speaking. For each group that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice must (1) contain information in the appropriate language(s) regarding the importance of the notice or (2) contain a telephone number or address where such residents may contact the water system to obtain a translated copy of the notice or assistance in the appropriate language.

## **Population Served**

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

## **Alternative Sources of Water**

If you are providing alternative sources of water for infants or pregnant women, your notice should say where to obtain it. If you choose to provide bottled water, remember that bottled water can also be contaminated or high in nitrates if the bottler uses water from your system. If you are providing bottled water, make sure it meets standards by contacting the bottler and asking for the most recent test results.

## **Corrective Action**

In your notice, describe corrective actions you are taking. The bullet below describes one action commonly taken by water systems with nitrate/nitrite violations. Use this language, if appropriate, or develop your own:

- "We are investigating water treatment and other options. These may include drilling a new well, mixing the water with low-nitrate water from another source, or buying water from another water system."

## **After Issuing the Notice**

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the Department within ten days after issuing the notice [64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the Department sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions, and the doctors should have the information they need to respond appropriately. They also need to make sure the water is not provided to infants and pregnant women in their care.

It is a good idea to issue a "problem corrected" notice when the violation is resolved.

## IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.  
Tradúzcalo o hable con alguien que lo entienda bien.

### DRINKING WATER WARNING

Plainview MWC – Central Water Company water has high levels  
of nitrate

DO NOT GIVE THE WATER TO  
INFANTS UNDER 6 MONTHS OLD OR PREGNANT WOMEN  
OR USE IT TO MAKE INFANT FORMULA

Water sample results received [date] showed nitrate levels of [level and units]. This is above the nitrate standard, or maximum contaminant level (MCL), of 45 milligrams per liter. Nitrate in drinking water is a serious health concern for infants less than six months old.

#### What should I do?

- **DO NOT GIVE THE WATER TO INFANTS.** *Infants below the age of six months who drink water containing nitrate in excess of the MCL may quickly become seriously ill and, if untreated, may die because high nitrate levels can interfere with the capacity of the infant's blood to carry oxygen. Symptoms include shortness of breath and blueness of the skin. Symptoms in infants can develop rapidly, with health deteriorating over a period of days. If symptoms occur, seek medical attention immediately.*
- **PREGNANT WOMEN SHOULD NOT CONSUME THE WATER.** *High nitrate levels may also affect the oxygen-carrying ability of the blood of pregnant women.*
- Water, juice, and formula for children under six months of age should not be prepared with tap water. Bottled water or other water low in nitrates should be used for infants until further notice.
- **DO NOT BOIL THE WATER.** Boiling, freezing, filtering, or letting water stand does not reduce the nitrate level. Excessive boiling can make the nitrates more concentrated, because nitrates remain behind when the water evaporates.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

## **What happened? What is being done?**

Nitrate in drinking water can come from natural, industrial, or agricultural sources (including septic systems, storm water run-off, and fertilizers). Levels of nitrate in drinking water can vary throughout the year. We will let you know if the amount of nitrate is again below the limit.

[Describe corrective action, seasonal fluctuations, and when system expects to return to compliance.]

For more information, please contact [name of contact] at [phone number] or [mailing address].

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.*

## **Secondary Notification Requirements**

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by 5400682.

State Water System ID#: \_\_\_\_\_. Date distributed: \_\_\_\_\_.

## AVISO SOBRE SU AGUA POTABLE

### Agua del sistema Plainview MWC – Central Water Company tiene altos niveles de nitratos

### NO DAR DE BEBER ESTA AGUA A BEBES MENORES DE 6 MESES DE EDAD NI USARLA PARA HACER LECHE DE FORMULA

Resultados de muestras de agua colectadas [date of sample(s)] \_\_\_\_\_ muestran concentraciones de nitratos en el agua de nuestra sistema de [level and units] \_\_\_\_\_. Este nivel excede el estandar de nitrato, o el nivel máximo de contaminación de 45 mg/L (miligramos por litro) como nitrato. Nitrato en agua potable puede generar problemas serias de salud para bebés menores de 6 meses de edad.

#### Que debo hacer?

- **NO LE DE ESTA AGUA A BEBES O A MUJERES EMBARAZADAS.** *Bebés menores de seis (6) meses que toman agua con nitrato en exceso del nivel máximo de contaminación se pueden enfermar seriamente y, sin tratamiento medico, pueden morir. Los síntomas incluyen dificultad en respirar y síndrome de bebé azul.* El síndrome de bebé azul se refiere al color azulado que toma la piel del bebé. Los síntomas en los bebes pueden desarrollarse con rapidez. Si los síntomas ocurren en infantes menores de seis (6) meses de edad, busque atención médica inmediatamente.
- **MUJERES EMBARAZADAS NO DEBEN BEBER ESTA AGUA.** Bebiendo agua con nitrato en exceso del nivel máximo de contaminación también puede afectar a mujeres embarazadas reduciendo la capacidad de la sangre para transportar oxígeno. Si usted está embarazada o tiene algún problema de salud en particular, puede optar por hacer una consulta con su médico.
- Agua, jugo o leche en polvo para bebés menores de seis (6) meses de edad no debe prepararse con agua del grifo. Deben usar agua embotellada o otra agua bajo el nitrato para los bebes hasta el próximo aviso.
- **NO HIERVA EL AGUA.** Hervir, congelar, filtrar o dejar el agua en reposo no reduce el nivel de nitrato. De hecho, al hervir el agua puede aumentar aún más la concentración de nitrato, debido a que el nitrato permanece cuando parte del agua se evapora.
- Sin embargo, si usted está embarazada o tiene algún problema de salud en particular, puede optar por hacer una consulta con su médico.

#### Qué pasó? Qué se está haciendo al respecto?

Nitrato en el agua puede provenir de fuentes naturales, industriales o de la agricultura (incluyendo descargas de tanques sépticos y lluvias). La concentración de nitrato en el agua potable puede variar a traves del año. Nosotros les avisaremos cuando el nivel de nitrato esté nuevamente debajo de el nivel máximo de contaminación.

[Describe corrective action, seasonal fluctuations, and when the system expects to return to compliance.]

Para mas información, favor de contactar a [name of contact] \_\_\_\_\_ al teléfono [phone number] \_\_\_\_\_ o escribiendo a [mailing address] \_\_\_\_\_.

*Por favor comparta esta información con otros que pueden tomar de esta agua, colocando este aviso en lugares visibles, o remitiéndolo por correo, o entregandolo manualmente. Es de particular interés distribuir este aviso ampliamente si usted lo recibe representando un negocio, un hospital u hogar de infantes u hogar de ancianos o comunidad residencial.*

Este aviso ha sido enviado a usted de parte de \_\_\_\_\_ Plainview MWC – Central Water Company.

Fecha [date]: \_\_\_\_\_

**Attachment B**

**PROOF OF NOTIFICATION**

(Return with copy of the Notice)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the Plainview MWC – Central Water Company of the failure to meet the **Nitrate MCL (Well 01)** for the:

Circle one: **1<sup>st</sup>**      **2<sup>nd</sup>**      **3<sup>rd</sup>**      **4<sup>th</sup>**      quarter of \_\_\_\_\_ (year).

Notification was made on \_\_\_\_\_ by  
(date)

    **hand delivered** and/or **mailed** and/or **posted**     written notice.  
(circle all completed)

\_\_\_\_\_  
Signature of Water System Representative

\_\_\_\_\_  
Date

DISCLOSURE: Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

Due to the Dept. of Public Health within 10 days of notification to the public  
Nitrate MCL Exceedance  
System Number: 5400682